



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ANDERSON GORECKI & MANARAS LLP
33 NAGOG PARK
ACTON MA 01720

COPY MAILED

JAN 06 2009

OFFICE OF PETITIONS

In re Application of :
Franco Travostino :
Application No. 09/748,698 : ON PETITION
Filed: December 22, 2000 :
Attorney Docket No. 120-201 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed December 8, 2008.

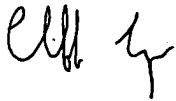
The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply in response to the final Office action, mailed March 22, 2006. This Office action set a shortened statutory period for reply of three (3) months. Applicant filed an Amendment on May 4, 2006. However, in an Advisory Action mailed on May 23, 2006, the Examiner informed Applicant that the Amendment did not place the application in condition for allowance. Applicant filed an RCE on June 6, 2006. However, the Office mailed a Notice of Non-Compliant Amendment on August 10, 2006. This Notice did not set any additional period for reply. As such, no proper reply to the final Office action having been received, the application became abandoned on June 23, 2006. The Office mailed a Notice of Abandonment on November 23, 2007. Applicant filed a petition to withdraw the holding of abandonment on December 6, 2007. However, the petition was dismissed in a decision mailed on October 2, 2008.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an RCE.

The application is being forwarded to Group Art Unit 2157 for consideration of the RCE, filed December 8, 2008.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo", with a stylized flourish at the end.

Cliff Congo
Petitions Attorney
Office of Petitions